

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 12 and 15 are amended, and claims 12-18 are pending in the application.

Formal drawings are submitted as an attachment to this Response to replace the originally-filed drawings.

The rejection of claims 11-18 under the doctrine of obviousness-type double patenting in view of parent application 09/778,773, now U.S. Patent No. 6,738,781, is respectfully traversed because this rejection is barred under 35 USC §121.

In particular, this divisional application was necessitated by the Examiner in the parent application 09/778,773 issuing a Restriction Requirement on April 9, 2003: claims 1-10 and 19-38 in the parent application were classified in the Restriction Requirement as belonging to Group I, and claims 11-18 (now pending in the subject application) were classified in the Restriction Requirement as belonging to Group II. Claims 11-18 were canceled in the parent application in accordance with the Restriction Requirement and refiled in the subject divisional application.

As specified in 35 USC §121:

[a] patent [i.e., USP 6,738,781] issuing on an application [i.e., parent application No. 09/778,773] with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, ***shall not be used as a reference*** either in the Patent and Trademark Office or in the courts against a divisional application [i.e., the subject application] ... , if the divisional application is filed before the issuance of the patent on the other application."

Hence, the obviousness-type double patenting rejection must be withdrawn.

The indication of allowable subject matter in claims 12-14 is acknowledged with appreciation. Claim 12 has been rewritten in independent form, and claim 15 has been amended to depend from claim 12. Hence, it is believed this application is in allowable form.

Claims 11 and 15-18 were rejected under 35 USC §103 in view of U.S. Patent No. 6,134,709 to Pratt and U.S. Patent No. 5,732,274 to O'Neill. The foregoing amendments render this rejection moot.

Amendment filed July 25, 2005

Appln. No. 10/798,963

Page 5

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 10-019, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', followed by a horizontal line.

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AMENDMENTS TO THE DRAWINGS

The attached five (5) sheets of formal drawings replace the drawings as originally filed. The replacement drawings are identical in content to the drawings as originally filed, and are submitted to ensure compliance with 37 CFR 1.121(d).

Attached: 5 sheets of replacement drawings